

Document number and name	40 CFR part 89 reference
Recommended Practice for Measurement of Intake Air or Exhaust Gas Flow of Diesel Engines SAE J1937 November 89:	89.416–96
Recommended Practice for Engine Testing with Low Temperature Charge Air Cooler Systems in a Dynamometer Test Cell SAE Paper 770141:	89.327–96
Optimization of a Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts, Glenn D. Reschke	89.319–96

(3) *California Air Resources Board Test Procedure*. The following table sets forth material from the Title 13, California Code of Regulations, Sections 2420–2427, as amended by California Air Resources Board Resolution 92–2 and published in California Air Resources Board mail out #93–42, September 1, 1993) which has been incorporated by reference. The first column lists the

number and name of the material. The second column lists the section(s) of this part, other than § 89.6, in which the matter is referenced. The second column is presented for information only and may not be all inclusive. Copies of these materials may be obtained from California Air Resources Board, Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, CA 91731–2990.

Document number and name	40 CFR part 89 reference
California Regulations for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines	89.112–96 89.119–96 89.508–96

[59 FR 31335, June 17, 1994, as amended at 63 FR 56997, Oct. 23, 1998]

§ 89.7 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by part 2, subpart B of this chapter.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this part is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this part is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with § 2.204(c)(2)(i)(A) of this chapter.

APPENDIX A TO SUBPART A OF PART 89— STATE REGULATION OF NONROAD INTERNAL COMBUSTION ENGINES

This appendix sets forth the Environmental Protection Agency's (EPA's) interpretation of the Clean Air Act regarding the authority of states to regulate the use and operation of nonroad engines.

EPA believes that states are not precluded under section 209 from regulating the use and operation of nonroad engines, such as regulations on hours of usage, daily mass emission limits, or sulfur limits on fuel; nor